

City Council
Atlanta, Georgia

02-0-0358

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-02-03/Z-84-52

AN ORDINANCE TO AMEND ORDINANCE Z-84-52,
ADOPTED BY CITY COUNCIL AUGUST 6, 1984 AND
APPROVED BY THE MAYOR AUGUST 8, 1984, REZONING
FROM THE C-3 (COMMERCIAL-RESIDENTIAL) DISTRICT
TO THE PD-OC (PLANNED DEVELOPMENT-OFFICE
COMMERCIAL) DISTRICT, PROPERTY LOCATED AT
3060 PEACHTREE ROAD, N.W., FOR THE PURPOSE
OF APPROVING A REVISED SITE PLAN AND CHANGE
OF CONDITIONS.

OWNER: BUCKHEAD PLAZA LAND TRUST

APPLICANT: REALTY DEVELOPMENT CORPORATION

BY: NATHAN V. HENDRICKS III, ESQ., ATTORNEY

NPU-B

COUNCIL DISTRICT 8

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as
follows:

SECTION 1. That all currently approved site plans and other conditions governing the
development of the property located at **3060 Peachtree Road, N.W.**, more particularly
described by the attached legal description identified as Exhibit A, are hereby deleted in
their entirety.

SECTION 2. That the development of the property described in Section 1 above shall be
governed by the applicable conditions contained in the attached letter identified as
Exhibit B, from William F. Kennedy to John Bell, Zoning Administrator, consisting of
ten (10) pages, dated January 8, 2003 and marked received by the Bureau of Planning
January 8, 2003.

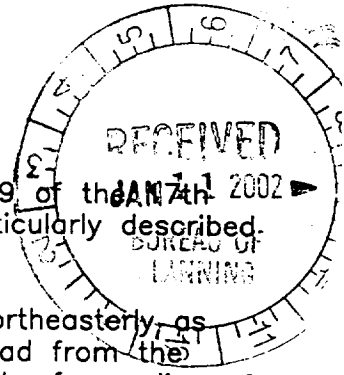
SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this
ordinance are hereby repealed.

2-0203/284-52

Property Description

PARCELS E-2, E-3 & F

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 99 of the District, Fulton County, City of Atlanta, Georgia, and being more particularly described as follows:



COMMENCE at a 1-inch crimp top pipe found located 438.2 feet Northeasterly, as measured along the northwesterly right-of-way line of Peachtree Road from the intersection of the North line of Land Lot 100 with the western right-of-way line of Peachtree Road; thence run North 68 degrees 44 minutes 59 seconds West, a distance of 14.03 feet to an iron pin found; thence run North 68 degrees 44 minutes 59 seconds West, a distance of 503.04 feet to a point, said point being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING as thus established, thence run North 68 degrees 44 minutes 59 seconds West, a distance of 315.74 feet to a point; thence run North 68 degrees 44 minutes 59 seconds West, a distance of 456.68 feet to an iron pin found; thence run North 21 degrees 23 minutes 57 seconds East, a distance of 635.90 feet to a point located on the southerly right-of-way line of West Paces Ferry Road (right-of-way width varies); thence, run along said southerly right-of-way line of West Paces Ferry Road, South 52 degrees 10 minutes 57 seconds East, a distance of 44.58 feet to a point; thence, continuing along said southerly right-of-way line, South 52 degrees 10 minutes 57 seconds East, a distance of 111.08 feet to a point; thence, continuing along said southerly right-of-way line, along the arc of a curve to the left, an arc distance of 220.52 feet (said curve having a radius of 794.37 feet, being subtended by a chord bearing of South 60 degrees 08 minutes 07 seconds East, a chord distance of 219.81 feet) to a point; thence, continuing along said southerly right-of-way line, South 68 degrees 05 minutes 15 seconds East, a distance of 203.84 feet to a point; thence, continuing along said southerly right-of-way line, along the arc of a curve to the right, an arc distance of 88.87 feet (said curve having a radius of 1631.43 feet, being subtended by a chord bearing of South 66 degrees 31 minutes 37 seconds East, a chord distance of 88.86 feet) to a point; thence, continuing along said southerly right-of-way line, along the arc of a curve to the right, an arc distance of 129.40 feet (said curve having a radius of 1631.43 feet, being subtended by a chord bearing of South 62 degrees 41 minutes 39 seconds East, a chord distance of 129.37 feet) to a point; thence, leaving said southerly right-of-way line, run South 21 degrees 47 minutes 54 seconds East, a distance of 46.63 feet to a point; thence run South 21 degrees 15 minutes 01 seconds West, a distance of 212.57 feet to a point; thence run South 38 degrees 13 minutes 45 seconds West, a distance of 73.70 feet to a point; thence run North 68 degrees 44 minutes 59 seconds West, a distance of 291.00 feet to a point; thence run South 21 degrees 15 minutes 01 seconds West, a distance of 156.87 feet to a point; thence run North 68 degrees 44 minutes 59 seconds West, a distance of 2.80 feet to a point; thence run South 21 degrees 15 minutes 01 seconds West, a distance of 11.30 feet to a point; thence South 68 degrees 44 minutes 59 seconds East, a distance of 70.71 feet to a point; thence North 21 degrees 15 minutes 01 seconds East, a distance of 6.19 feet to a point; thence South 68 degrees 44 minutes 59 seconds East, a distance of 223.09 feet to a point; thence South 68 degrees 44 minutes 59 seconds East, a distance of 21.94 feet to a point; thence run South 21 degrees 15 minutes 01 seconds West, a distance of 60.02 feet to a point, said point being the TRUE POINT OF BEGINNING.

The above described property contains 9.504 acres.

Exhibit A

Page 1 of 1

William F. Kennedy

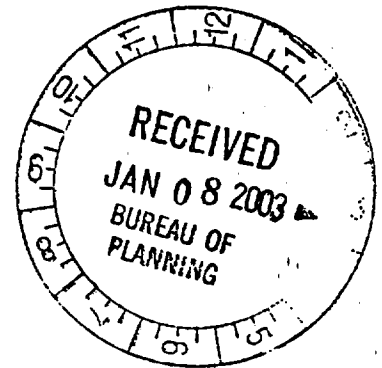
1324 The Princeton Building
4403 Northside Parkway, N.W.
Atlanta, Georgia 30327

Telephone 404-504-9814
Fax 404-231-5097

January 8, 2003

Mr. John Bell, Zoning Administrator
City of Atlanta Bureau of Planning
Suite 3350 City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Z-02-03/Z-84-52
Buckhead Plaza
West Paces Ferry Road and Peachtree Road



Z-02-03/Z-84-52
Exhibit B
page 1 of 10

Dear Mr. Bell:

Neighborhood Planning Unit "B" voted at their regular meeting on January 7, 2003, to approve the subject application based on the eight-page set of conditions that I have attached to this letter. We have the support of the Peachtree Heights West Civic Association as well as the support of NPU-B.

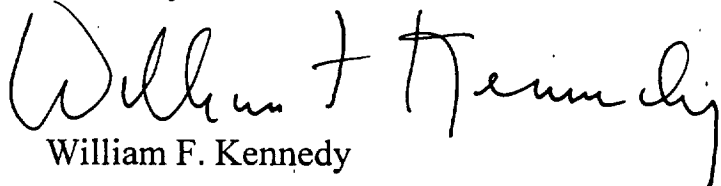
On Monday, January 6, 2003, we filed with your office the site plan, the elevation, and the two renderings that accompany this application and that are recited in the attached conditions. I am filing as an attachment to the conditions the perspective of the proposed hotel that is referenced as Attachment A on page 8 of the conditions.

In addition Steve Middendorf, the landscape architect for the project from The Preston Partnership, will file today with your office the plan entitled "West Paces Ferry Road and Western Buffer Zone Tree Planting Plan". Mr. Edward Daugherty who represents Peachtree Heights West Civic Association has approved this plan. The plan has also been reviewed and

approved by Frank Mobley, Chief Arborist, pursuant to your direction to us on Monday.

Thank you, Nyna Gentry, and the other members of your staff for the time and attention you have given our team in this application over the past year that it has been under consideration. We hope to have your recommendation of approval for this important mixed-use project that we believe will move the center of Buckhead toward becoming the high quality live-work environment that is envisioned in the Comprehensive Development Plan. Please call me if there are questions regarding our application.

Sincerely,


William F. Kennedy

Copy to

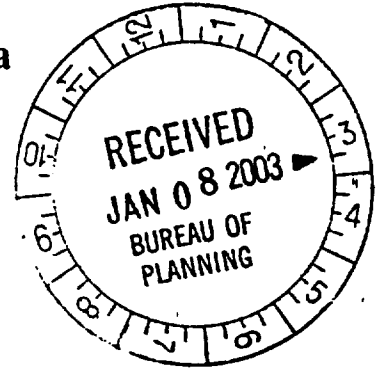
Chairperson and All Members of the Zoning Review Board
Ms. Nyna Gentry, Bureau of Planning
Ms. Waldtraut Lavroff, Moderator, NPU-B
Ms. Cathy Muzzy, Chair, Zoning Committee, NPU-B
Ms. Sally Silver, Chair, Dev. and Tpn. Comm., NPU-B
Mr. Robert Parker, Esq., Peachtree Heights West Civic Association
Mr. Ron Rogers, Esq., Peachtree Heights West Civic Association
Mr. Edward L. Daugherty, Peachtree Heights West Civic Association
Mr. Robert L. Zoeckler, Esq.
Mr. Kent S. Levenson, EaslanCapital
Mr. Marc S. Pollack, Realty Development Corporation
Mr. Jimmy Baugnon, Realty Development Corporation
Mr. Bill Hall, Realty Development Corporation
Mr. Nathan V. Hendricks, III, Esq.
Mr. Bob Preston, The Preston Partnership
Mr. Steve Middendorf, The Preston Partnership
Mr. Carl E. Westmoreland, Jr., Esq.

2-02-03 / 2-84-52

Exhibit B

Page 2 of 10

Zoning Conditions for Buckhead Plaza
Applicable to
Z-02-02/Z-84-52
and
Z-02-03/Z-84-52
January 7, 2003



1. Landscaping will be provided as indicated on the applicable site plans, landscape plans and written conditions as hereinafter defined for each of the above zoning applications. Balconies, roof gardens, and similar non-ground level spaces shall not be included in calculating minimum landscape requirements. Pervious paving material will be utilized where feasible. Pervious joints shall be provided between all pavers on grade. Buffer areas and protected trees shall be marked using temporary chain link construction fencing no less than four feet in height prior to and maintained during the period of construction. All erosion control measures shall be installed outside any undisturbed buffer.
2. The applicant will become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for the first building in the development and will pay its pro rata contribution to the Buckhead Community Improvement District to fund BATMA (that percentage of the BCID contribution which goes to BATMA) at such time as BATMA shuttle service is provided to the property, even if the property is not within the Buckhead Community Improvement District, unless the property is at that time located within another Community Improvement District. Prior to shuttle service being provided by an off-site entity such as BATMA, the applicant will provide or participate with other property owners to provide a shuttle service between the Buckhead Plaza development and the Buckhead MARTA station, beginning at such time as a minimum of 12 persons in the first occupied building sign up to use such service in the morning and afternoon peak hours.
3. The applicant will utilize its best efforts to assist the neighborhood in obtaining a left turn lane or other traffic improvement measures for northbound traffic on Peachtree Road, turning west on Pharr Road.
4. The applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta based on the number of automobile parking spaces, whichever number is greater. The number of bicycle parking spaces installed shall meet the City's minimum requirements during each phase of the development. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.

Z-02-03/Z-84-52
Exhibit B
page 3 of 10

5. Tour buses and limousines will be prohibited from parking on the drive between the Buckhead Plaza development and Pharr Road, subject to the easement rights of various parties in such drive.
6. Walkways and other connective measures will be designed to connect and unify the development with existing and planned walkways within the overall Buckhead Plaza PD-OC district to facilitate pedestrian movement and internal vehicle movements and parking as indicated on the site plan.
7. At such times as access to sidewalks which are located along the Peachtree Road frontage are temporarily closed due to construction of this development, the applicant shall comply with Atlanta City Codes regarding sidewalk closure, including, in particular, the signage requirements of Section 138-65 and 138-67.
8. All sanitary sewage from the property will be directed or pumped directly into the Peachtree Outfall Sewer line on the Peachtree Road frontage of the property. The applicant shall not transfer sanitary sewage to another sewer basin unless the requirements of the First Amended Consent Decree (Section VIII.B.8-Capacity Certification Program) to assure adequate sewer capacity are satisfied and signed off by the Commissioner of Public Works or appropriate commissioner.
9. All stormwater detention facilities shall be located below grade.
10. No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy issue unless sewer capacity is confirmed to be available and reserved for the site in writing by said Commissioner.
11. All dumpsters and service facilities shall be screened and shall be located as set forth on the additional conditions and/or site plan.
12. All exterior lighting shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential areas.
13. No exterior loudspeakers or amplified music or sound systems of any kind shall be used in the development with the exception that one restaurant located in the first floor of the building facing Peachtree Road may have external speakers for music facing Peachtree Road, if and when such restaurant has outdoor tables to provide background music of a type typically found in restaurants in similar developments. The volume of any such music shall be consistent with the volume at which the music is transmitted in the interior of the restaurant.

14. All restaurants shall be required to install grease traps or some other device approved by the City and Fulton County that substantially mitigates the discharge of untreated grease into the public sewer system. The grease traps or other approved devices must be adequately maintained and inspections regularly scheduled.
15. Authorized uses are limited to those set forth on the Site Plan as further limited by these conditions. Said uses shall be located only where indicated on said plan. There shall be no adult entertainment uses. Restaurant uses shall not include fast-food establishments, except that two (2) such establishments shall be authorized provided they meet each of the following criteria:
 - (i) Are located adjacent to other retail uses and not in a stand-alone or out-parcel building;
 - (ii) Do not exceed 2000 square feet of total interior heated space; and
 - (iii) Close by 12:00 a.m. each day.

For the purposes hereof, a fast-food establishment shall be an operation which is typically found as a stand-alone restaurant with drive-through windows such as McDonalds, Burger King, Wendy's or Arby's and shall not include coffee shops, delicatessens or bakeries. Drive-throughs, except those for financial institutions, are specifically prohibited. Except as otherwise specifically provided herein, no establishments shall be allowed which hold a license for alcohol consumption on the premises except eating and drinking establishments. The primary purpose of any said eating and drinking establishment shall be for food consumption and each said establishment shall derive at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food. Notwithstanding these prohibitions, two (2) establishments not meeting these eating and drinking establishment requirements shall be authorized provided they meet each of the following criteria:

- (i) Face Peachtree Road or the plaza between the applicant's development and the One Buckhead Plaza office building or are located within and operated as an integral part of a hotel;
- (ii) Are properly licensed as and meet every requirement for a nightclub with the City of Atlanta as defined in Code Section 10-1 of the City's Alcoholic Beverages Code;
- (iii) Have no more than 2000 square feet of total interior heated space excluding any outdoor seating area, whether covered or uncovered, which outdoor seating area shall not exceed 750 square feet; and
- (iv) Have music provided only within the interior of the premises and only by acoustical instruments such as a piano.

The provisions of this paragraph 15 shall apply separately to each of the zoning cases covered by these conditions.

16. The development shall comply with existing City of Atlanta ordinances with regard to hours of construction and noise limitations. During construction, all construction vehicles will be parked on-site and not on the surrounding public streets. Also, during the period of construction, the developer will notify the presidents of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B of a contact name and telephone number which will be answered or on which messages may be left 24 hours a day, 7 days a week regarding problems with the construction.
17. The applicant shall draft, have introduced and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to study and/or mitigate traffic in the area surrounding the development.
18. The applicant will request that an ordinance be introduced to change the City of Atlanta Comprehensive Development Plan designation of the property from High Density Commercial to Mixed Use (maximum FAR of 3.0), consistent with applicant's proposed development.
19. These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
20. The applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such request to the president of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B. However, the applicant will have the right to request administrative changes in the site plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not: (a) increase the height in stories or square footage of any building or the number of parking spaces; (b) change any of the uses or location of said uses specified on the site plan; (c) decrease any exterior setback or the amount of landscaped area; (d) materially reduce public access or public spaces; or (e) otherwise materially alter these conditions.
21. All of these narrative conditions will be attached to the final site plan filed with the City of Atlanta.

2-02-03 / 2-84-52
Exhibit B

Page 6 of 10

The following additional conditions shall apply only to Z-02-02/Z-84-52:

1. The property shall be developed in accordance with: (a) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'A'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 23, 2002; the "Landscape Plan Scheme 'A'" prepared by the Preston Partnership, LLC, revised October 23, 2002; and the Plaza Level Scheme A Site Plan" prepared by Corcoran Nelson Nardone Associates, Inc. dated October 10, 2002, or (b) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'B'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 14, 2002; the "Landscape Plan Scheme 'B'" prepared by the Preston Partnership, LLC, dated October 14, 2002.
2. The buildings' architectural style and materials shall be substantially similar to the rendering by The Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002.
3. The parking deck northern façade shall have architectural style, materials and layout that are substantially similar to the rendering entitled "Plaza Elevation Scheme 'A-2'" by Corcoran Nelson Nardone Associates, Inc., dated October 10, 2002, whether the site is developed under Scheme A or Scheme B.
4. Building sizes and uses shall be as follows:
 - (1) Office Building:
 - (a) Seven (7) stories in height (\pm 124 feet).
 - (b) Ground floor containing 27,822 gross square feet of retail including restaurants.
 - (c) Floors two through seven containing 165,046 gross square feet of office use.
 - (2) Residential Building:
 - (a) Nineteen (19) stories in height (\pm 216 feet).
 - (b) 270 residential units.
 - (c) 288,000 gross square feet.
 - (3) Parking Deck:
 - (a) Eight (8) levels with six (6) above grade.

- (b) 13,640 gross square feet of retail space and 1,061 parking spaces under Scheme A or 7,000 gross square feet of retail with rights to build an additional 5,968 gross square feet of retail and 994 parking spaces under Scheme B.
5. The combined residential/non-residential FAR of the development will not exceed 2.61.
6. Prior to issuance of the first building permit for development of the applicant's property, the applicant shall pay the sum of \$40,000.00 into an account to be established by the Buckhead Action Committee to be used for a study to suggest traffic mitigation measures, and, to the extent of any excess funds, to fund such mitigation measures, on streets within the residential communities most directly impacted by applicant's development.

The following additional conditions shall apply only to Z-02-03/Z-84-52:

1. The property shall be developed in accordance with the site plan entitled "West Paces Ferry Rd. Mixed Use Project", prepared by The Preston Partnership, LLC, dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003.
2. As depicted on the site plan referred to in 1. above, a linear landscape area of sufficient depth and quality to support mature trees shall be installed along the entire western boundary of the property at a width ranging from 20 feet to 30 feet, with a minimum width of not less than twenty feet, measured from the top of the existing retaining wall. Landscaping shall be installed in accordance with the Landscape Plan entitled "West Paces Ferry Road and Western Buffer Zone Tree Planting Plan", prepared by The Preston Partnership, dated January 7, 2003, and marked received by the Bureau of Planning on January 8, 2003. The intent of this Landscape Plan is to assure the replication of the plant materials and density of planting that now exist along the westernmost edge of the site. Said landscape area shall be planted with mature trees of evergreen and deciduous species. The number, location, and diameter at breast height of plant material shall be as is set forth in the Landscape Plan referred to in this Section 2. The 8 foot tall masonry screen wall specified on the site plan within the Western Buffer Zone shall be installed by the applicant during or prior to installation of the landscape materials at the discretion of the Peachtree Heights West Civic Association. Any trees removed along the West Paces Ferry Road street frontage will be replaced with willow oaks of a caliper of not less than six inches as is shown on the Landscape Plan, except for those trees at entry points that are designated on the Landscape Plan as a different species.
3. The buildings' architectural style, materials and layout shall be substantially similar to the renderings by The Preston Partnership, entitled "Rendering from west along W. Paces Ferry Rd." and "Rendering from east along W. Paces Ferry Rd.", both of which are dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003. The western façade shall have architectural style, materials and layout that are substantially similar to the elevation by The Preston Partnership, entitled "West facing

building elevation", dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003. Applicant further agrees that all architectural and landscape architectural design elements of the Planned Development will be sympathetic in form, color, and texture with that of the existing One Buckhead Plaza. Applicant will establish an advisory design review committee that will include the NPU-B Zoning Committee Chair and President of Peachtree Heights West Civic Association, or their designees, and shall be notified of and provided an opportunity to participate in and make recommendations regarding development of the final building designs and façade materials.

4. Buckhead Plaza principal uses shall be as specified on the site plan and all applicable conditions. Commercial uses may include retail uses, grocery store, and restaurants, subject to all applicable conditions. Development permission for each use shall not exceed the intensities and maximum height that are shown on the site plan.
5. All deliveries, garbage collection, and other loading activities ("loading zone activities") shall be conducted inside the loading zone areas specified on the site plan, which areas shall be constructed utilizing materials designed to muffle noise and which areas shall contain doors that shall remain closed during all loading zone activities so as to eliminate noise associated with these activities. No loading zone activities whatsoever for the loading zones along the western boundary of the site shall occur between the hours of 8:00 p.m. and 8:00 a.m.
6. Applicant will provide an operable access-controlled pedestrian gate from the subject property into the Habersham Estates property, provided that the applicant shall assume no liability for the use and operation of the pedestrian gate and the Habersham Estates condominium association shall indemnify the applicant from and against injury. Applicant will install a crosswalk across the access road from the pedestrian gate to the sidewalk. Applicant further agrees that it will grant an easement to the Pharr Court North Condominium Association at their request, upon their indemnification of the applicant from and against injury, and from and against damage to the existing retaining wall, so that they can construct their own pedestrian entry into Buckhead Plaza.
7. The combined residential/non-residential FAR of the development shall not exceed 2.96.
8. Top decks of parking facilities will have tree planters and trellises with appropriate plant materials to improve the view from the adjoining buildings.
9. Applicant agrees that during and after construction, no devices used for landscape maintenance or the cleaning of drives or parking decks shall be allowed to operate past 8:00 p.m., or before 8:00 a.m. on weekdays and before 10:00 a.m. on Saturdays and Sundays.
10. All dumpsters and trash compactors shall be located either within the interior loading dock area of the grocery store or within the enclosed service area of the parking deck.

7-02-03 / 7-84-52

Exhibit B

Page 9 of 10

11. General Condition Number 13 above notwithstanding, the hotel and housing operators are permitted to have amplified music in the pool deck and pool area in order to provide background music of a type typically found in pool areas in similar developments. The volume of any such music shall be consistent with the volume at which the music is transmitted in the interior of the hotel bar and restaurant.
12. Four housing units in the development on the property will be set aside for public safety (police and fire) personnel at a rate that is 80 percent of the market rate for the units. The availability of these units shall be announced through the Chief of the Atlanta Police Department and the Chief of the Atlanta Fire Department and shall then be available on a first-come, first-serve basis to public safety personnel. Any unit not rented by public safety personnel within three months of such announcement may be released for rental to the general public at normal market rates.
13. Prior to issuance of the first building permit for development of the applicant's property, the applicant shall pay the sum of \$60,000.00 into an account to be established by the Buckhead Action Committee to be used for a study to suggest traffic mitigation measures, and, to the extent of any excess funds, to fund such mitigation measures, on streets within the residential communities most directly impacted by applicant's development.
14. The pedestrian access area at the northeast corner of the site (adjoining Chops) will be designed to assure ease of pedestrian access to Chops, One Buckhead Plaza, the hotel, and the new buildings to the west. An elevator will be installed to facilitate ingress/egress to Chops and One Buckhead Plaza, and the applicant will work with the owner of One Buckhead Plaza to facilitate the pedestrian interconnectivity within the site.
15. The hotel operated in Building F shown on the site plan shall be a luxury class hotel having an architectural style, materials and layout substantially similar to that shown in the rendering prepared by Rabun, Hogan, Ota, Rasche, Architects, entitled "Perspective View, Buckhead Plaza Hotel, Atlanta, Georgia, 12.05.02, attached hereto and marked Attachment A, or if a five-star hotel, having an architecture, materials and layout of the same aesthetic quality as shown in such attached rendering.

Z-02-03/2-04-52

Exhibit B

Page 10 of 10

THE PRESTON PARTNERSHIP, LLC
A MULTI-DISCIPLINARY DESIGN FIRM

1100 ABERNATHY ROAD NE, SUITE 600
ATLANTA, GEORGIA 30328
TELEPHONE: 770 396 7248
FAX: 770 396 2945

WWW.THEPRESTONPARTNERSHIP.COM

CONSULTANT



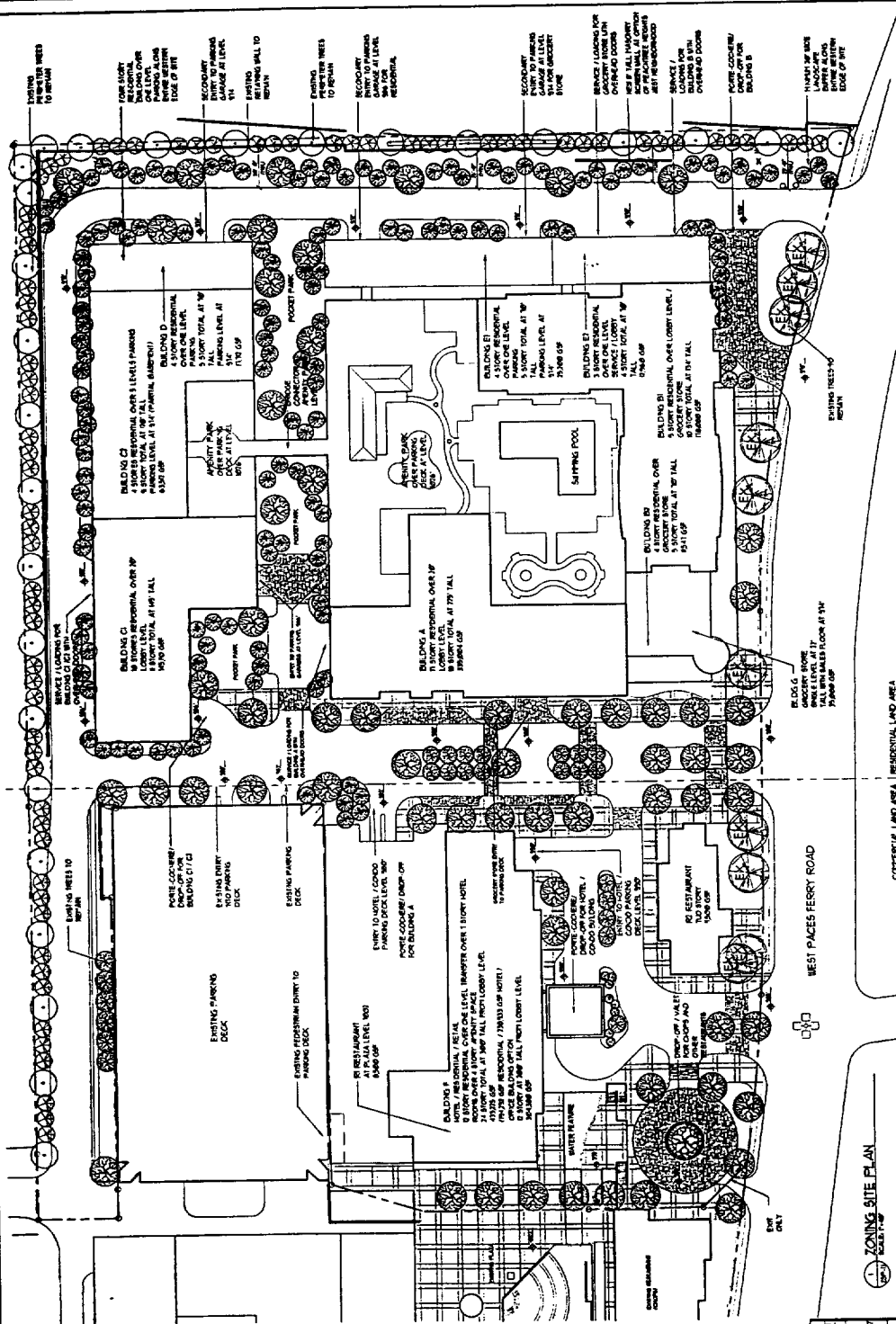
PROJECT WEST PACES FERRY RD.
MIXED USE PROJECT



**REALTY
DEVELOPMENT
CORPORATION**

10000 GLENDENE CONNECTOR, SUITE 100
ATLANTA, GEORGIA
404 295-1200
404 295-1248 FAX

DATE JANUARY 3, 2003
JOB NUMBER 6107025
LAYOUT CODED
PLANNED USE
DRAWN BY A.C.
CHECKED BY R.S.P.
DRAWING TITLE ZONING SITE PLAN
DRAWING NUMBER ZSP-1.1

[illegible]

202-012-2

WEST PACES FERRY ROAD

1. ZONING SITE PLAN

NOTES:
AS IT RELATES TO THE FRONTAGE ALONG WEST
PACES FERRY ROAD, APPLICANT SMALL
ENVISORER TO SAVE THE EXISTING TREES
WHERE POSSIBLE AND MODIFY THIS FRONTAGE
TO BE CONSISTENT WITH THE EXISTING ONE
BUCKHEAD PLACE PEDESTALIAN
INTERCONNECTIVITY DESIGN ALONG WEST PACES
FERRY ROAD AND PEACHTREE ROAD AS
PROPOSED ON THE SUBMITTED PLAN

[illegible]

11-10-111000 DRYBATTEN: ROOF TREATMENT PER CITY OF ATLANTA CODE.

SITE INFORMATION:

AND LOT 99, 17TH DISTRICT
CITY OF ATLANTA
CLYTON COUNTY, GEORGIA
SITE ZONING : PD-OC

TOTAL RESIDENTIAL AREA: 708,145 G.S.F.
TOTAL HOTEL/CONDO AREA: 433,225 G.S.F.
TOTAL RETAIL AREA: 35,000 G.S.F.
TOTAL RESTAURANT AREA: 26,000 G.S.F.
TOTAL SITE ACRES: 1.304 ACRES
TOTAL GROSS LAND AREA (O.A.): 431,479 G.S.F.**
OPTION (IN LIEU OF HOTEL/CONDO)
"HYPER" BUILDING AREA: 304,300 G.S.F.
** INCLUDES HALF OF WEST PAGES FERRY
ROAD R.O.W. (PERMANENT OPEN SPACE)
ADJACENT TO RESIDENTIAL LAND
AREA PER ZONING REGULATIONS

RESIDENTIAL LAND AREA - 301,637 G.S.F.
 MOST OF EXISTING PARKING AREAS
 RESIDENTIAL FLOOR AREA - 789,125 G.S.F.
 FLOOR AREA RATIO, RESIDENTIAL
 F.A.R. = RESIDENTIAL FLOOR AREA
 RESIDENTIAL LAND AREA = $\frac{789,125}{301,637}$
 MAXIMUM F.A.R. ALLOWED = 3.2

COMMERCIAL LAND AREA - 150,842 G.S.F.
 MOST OF EXISTING PARKING AREAS
 COMMERCIAL FLOOR AREA - 150,000 G.S.F.

FLOOR AREA RATIO, COMMERCIAL (HOTEL)
F.A.R. = COMMERCIAL FLOOR AREA
 = 453,628
 = 129,612

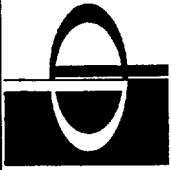
GROSS LAND AREA: 431,479 G.S.F.
(RESIDENTIAL AND COMMERCIAL LAND AREA)
TOTAL FLOOR AREA: 1,277,550 G.S.F.

FLOOR AREA RATIO, ENTIRE SITE
F.A.R. = TOTAL FLOOR AREA ÷ GROSS LAND AREA = 1,277,550 ÷ 431,479 = 2.96

TOTAL OPEN SPACE RATIO (TOSR) REQUIRED
 $5.67 \times G.L.A. = 244,649 \text{ S.F.}$
 SQUARE OPEN SPACE RATIO (VOSR) REQUIRED
 $4.50 \times G.L.A. = 187,819 \text{ S.F.}$
 TOTAL GREEN SPACE REQUIRED
 33% OF GROSS SPACE AREA = 84,792 S.F.

	MINIMUM RATES (SEE ROWING)
OFF STREET PARKING REQUIRED	
RESIDENTIAL	789.125 SQ. FT.
COMMERCIAL	125' (36/UNIT)
24/8 ROOMS/UNITS TOTAL	AS PER CODE REQUIREMENTS
OFFICE OPTION	304,380 SQ. FT.
CONCRETE OPTION	28,000 SQ. FT. (1/400 S.F.)
RESTAURANT	90,000 SQ. FT. (1/400 S.F.)
TOTAL PARKING ALLOWED IS NOT LESS THAN 1.618	





THE PRESTON PARTNERSHIP, LLC
A MULTI-DISCIPLINARY DESIGN FIRM
1000 ALBERTA ROAD, SUITE 600
ALBUQUERQUE, NM 87102
TELEPHONE: 770.396.2348
FAX: 770.396.2945
WWW.PRESTONPARTNERSHIP.COM
CONSULTANT

DATE

PROJECT
WEST PACES FERRY RD
MIXED USE PROJECT
ALBUQUERQUE

FOR

REALTY
DEVELOPMENT
CORPORATION

1000 ALBERTA ROAD, SUITE 600
ALBUQUERQUE, NM 87102
TELEPHONE: 770.396.2348
FAX: 770.396.2945
WWW.PRESTONPARTNERSHIP.COM

REVISIONS

DATE
JANUARY 3, 2003

JOB NUMBER
000000

LATEST CODED
000000

PLANNING MAP
000000

DRAWN BY
000000

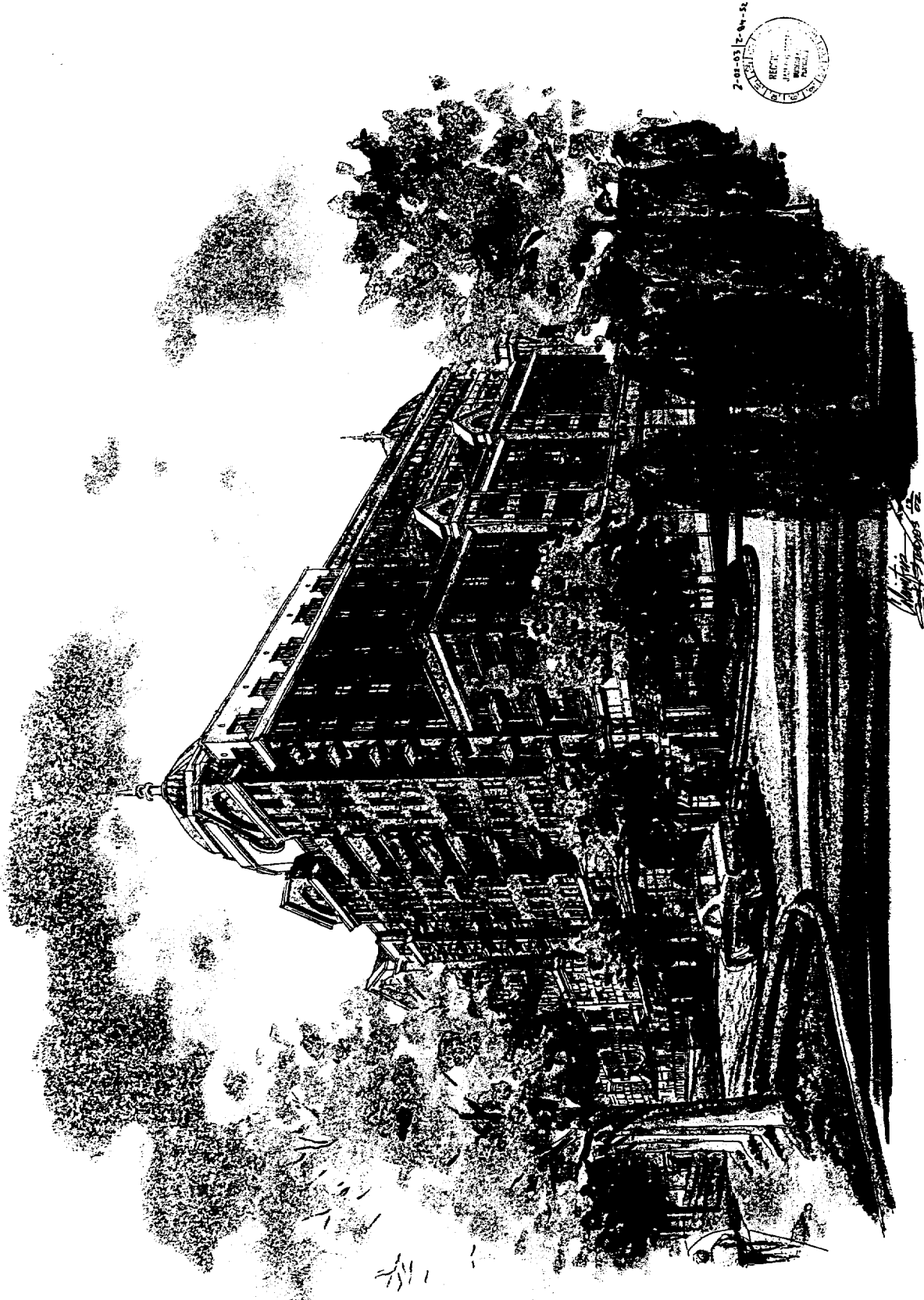
CHECKED BY
000000

DESIGNED BY
000000

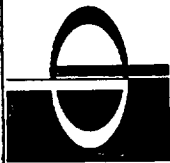
RENDERING FROM WEST
ALONG WEST PACES FERRY RD
DRAWING NUMBER

ZR-11

COMMENTS



RENDERING FROM WEST ALONG WEST PACES FERRY ROAD



THE PRESTON PARTNERSHIP, LLC
A MULTIDISCIPLINARY DESIGN FIRM
1000 ABERNATHY ROAD, SUITE 600
ATLANTA, GEORGIA 30309
TEL: 770.396.2244
FAX: 770.396.2945
WWW.PRESTONPARTNERSHIP.COM

DATE

PROJECT
WEST PACES FERRY RD
MIXED USE PROJECT
AL, 3014, 000004

FOR

REALTY
DEVELOPMENT
CORPORATION
1000 ABERNATHY ROAD, SUITE 600
ATLANTA, GEORGIA 30309
TEL: 770.396.2244
FAX: 770.396.2945
WWW.REALTYDEVELOPMENT.COM

REVISIONS

DATE

JANUARY 3, 2005

JOB NUMBER

000000

LAYOUT CODE

PLANNED USE

DESIGNED BY

CHECKED BY

REVIEWED BY

APPROVED BY

RENDERING FROM EAST
ALONG WEST PACES FERRY RD

DATE

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03

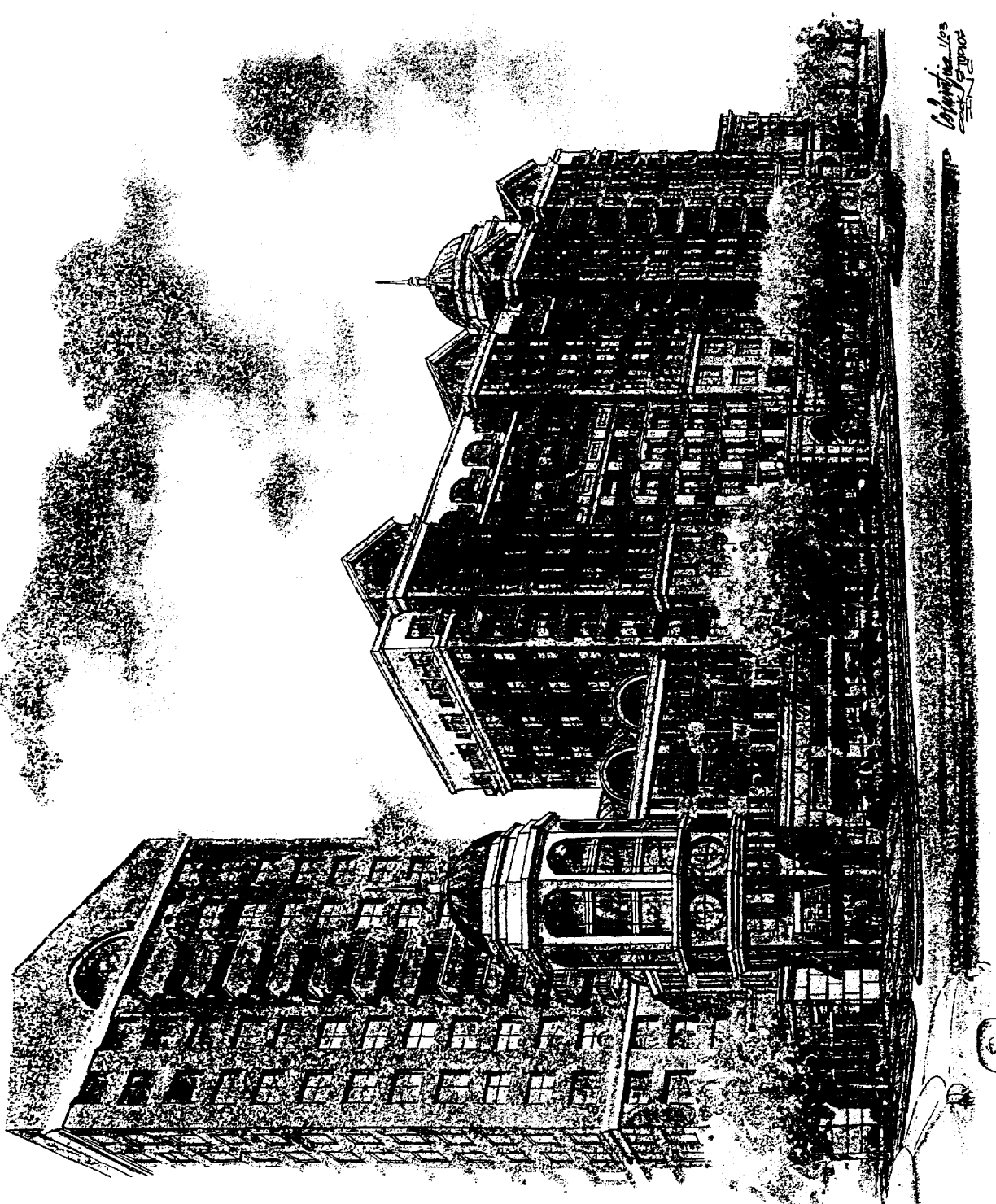
2005-01-03

2005-01-03

2005-01-03

2005-01-03

2005-01-03



RENDERING FROM EAST ALONG WEST PACES FERRY ROAD



John J. J. J.

ZR-12



THE PRESTON PARTNERSHIP, LLC
A MULTI-DISCIPLINARY DESIGN FIRM
1800 AMERIKATY ROAD, SUITE 600
ATLANTA, GEORGIA 30328
TELEPHONE: 770 344 7248
FAX: 770 344 7245
WWW.PRESTONPARTNERSHIP.COM
CONSULTANT

SEAL

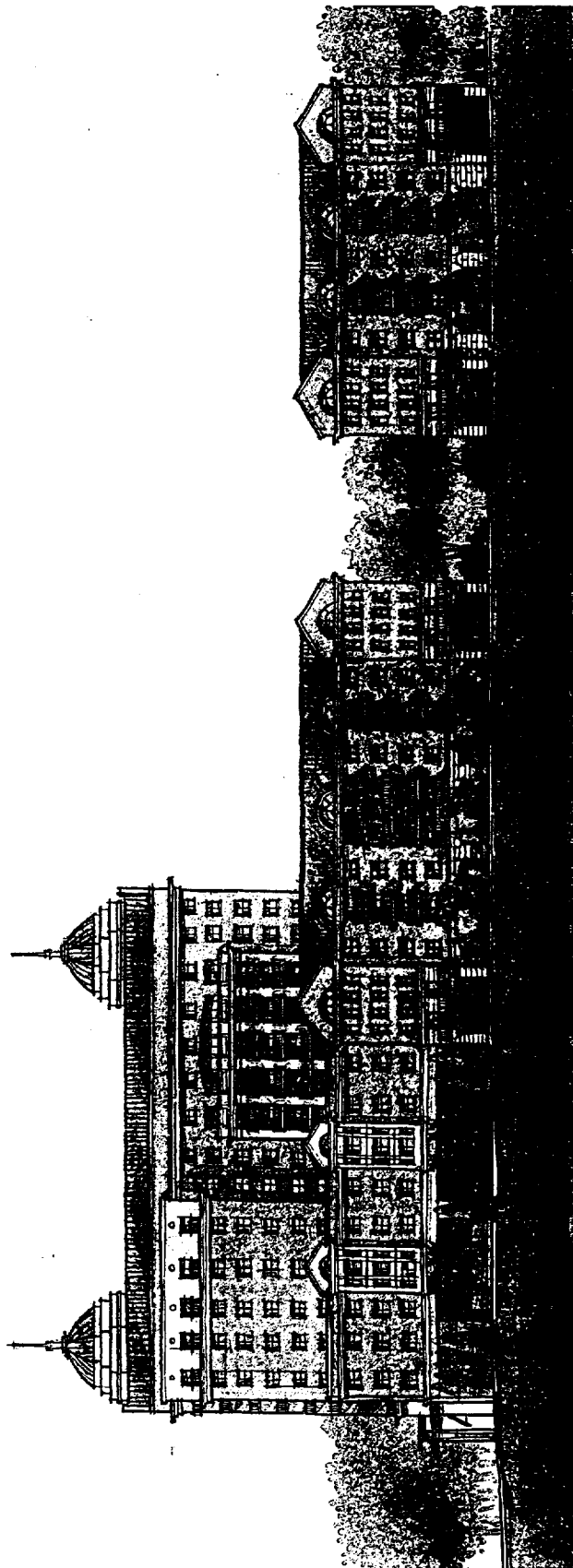
PROJECT
WEST PACES FERRY RD
MIXED USE PROJECT
ATLANTA, GEORGIA

FOR

REALTY
DEVELOPMENT
CORPORATION
1000 KENNEDY CORRIDOR, SUITE 100
ATLANTA, GEORGIA
404 524 4444
REVISIONS

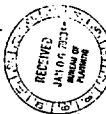
DATE: JANUARY 3, 2000
JOB NUMBER: 010105
LAYOUT CODE: PLANNED LOTS
DRAWN BY: CHECKED BY: DRAWING TITLE: WEST FACING BUILDING ELEVATION
DRAWING NUMBER: ZA-4.1

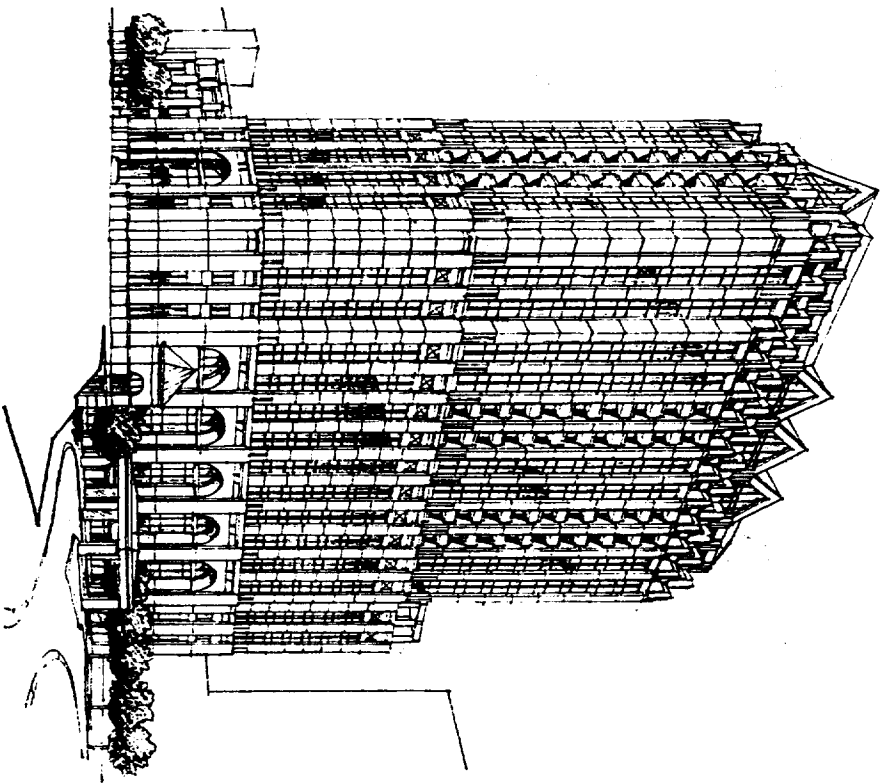
COMMENTS



WEST FACING BUILDING ELEVATION

2-01-01/2-04-52



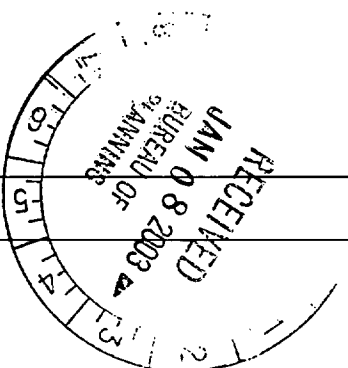


MARTIN
HOLLAND
OIA
RASCHE

BUCKHEAD PLAZA HOTEL
ATLANTA, GEORGIA

12.05.02

PERSPECTIVE
VIEW



Z-02-03/
Z-84-52